

# EXHIBIT A

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

_____	)	
JONATHAN WAYNE BOTTEN, SR.; TANJA	)	
DUDEK-BOTTEN; ANNABELLE BOTTEN; AND	)	
J.B., A MINOR BY AND THROUGH HIS	)	
GUARDIAN JONATHAN WAYNE BOTTEN, SR.,	)	
	)	
Plaintiffs,	)	CASE NO.
	)	5:23-CV-00257-KK-
vs.	)	(KSHKX)
	)	
STATE OF CALIFORNIA; COUNTY OF	)	
SAN BERNARDINO; ISAIAH KEE; MICHAEL	)	
BLACWOOD; BERNARDO RUBALCAVA; ROBERT	)	
VACCARI; JAKE ADAMS; AND DOES 1-10,	)	
INCLUSIVE,	)	
	)	
Defendants.	)	
_____	)	

VIDEOTAPED VIDEOCONFERENCE DEPOSITION OF  
ANNABELLE BOTTEN  
DECEMBER 16, 2024

REPORTED BY SANDRA NALLEY, CSR NO. 13607

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

JONATHAN WAYNE BOTTEN, SR.; TANJA  
DUDEK-BOTTEN; ANNABELLE BOTTEN; AND  
J.B., A MINOR BY AND THROUGH HIS  
GUARDIAN JONATHAN WAYNE BOTTEN, SR.,

Plaintiffs,

vs.

STATE OF CALIFORNIA; COUNTY OF  
SAN BERNARDINO; ISAIAH KEE; MICHAEL  
BLACWOOD; BERNARDO RUBALCAVA; ROBERT  
VACCARI; JAKE ADAMS; AND DOES 1-10,  
INCLUSIVE,

Defendants.

CASE NO.  
5:23-CV-00257-KK-  
(KSHKX)

VIDEOTAPED VIDEOCONFERENCE DEPOSITION OF ANNABELLE  
BOTTEN, taken remotely on Monday, December 16, 2024, at  
2:47 p.m., before Sandra Nalley, Certified Shorthand  
Reporter, CSR No. 13607.

A P P E A R A N C E S :

FOR THE PLAINTIFFS:

LAW OFFICES OF DALE K. GALIPO  
BY: HANG LE, ESQ.  
(Appearing via videoconference)  
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FOR THE DEFENDANTS MICHAEL BLACKWOOD, BERNARDO RUBALCAVA,  
AND STATE OF CALIFORNIA:

OFFICE OF THE DEPUTY ATTORNEY GENERAL  
BY: DIANA ESQUIVEL, ESQ.  
(Appearing via videoconference)  
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FOR THE DEFENDANTS COUNTY OF SAN BERNARDINO,  
ROBERT VACCARI AND JAKE ADAMS:

LYNBERG & WATKINS  
BY: SHANNON L. GUSTAFSON, ESQ.  
(Appearing via videoconference)  
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714.937.1010  
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ALSO PRESENT:

JOSE FONTAO, VIDEOGRAPHER

I N D E X

WITNESS: ANNABELLE BOTTEN

EXAMINATION

PAGE

BY MS. GUSTAFSON:

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BY MS. ESQUIVEL:

103

E X H I B I T S

(No exhibits were marked.)

QUESTIONS WITNESS INSTRUCTED NOT TO ANSWER

(None.)

02:48 1 THE VIDEOGRAPHER: Good afternoon.  
02:48 2 This is the video deposition of  
02:48 3 Annabelle Botten, taken remotely on Monday, December 16th  
02:48 4 in the year 2024. We're here in the matter of Jonathan  
02:48 5 Wayne Botten, Sr. et al. vs. State of California et al.,  
02:48 6 Case No. 5:23-CV-00257-KK-(SHKX). This case is being  
02:48 7 heard in the United States District Court for the Central  
02:48 8 District of California.  
02:48 9 My name is Jose Fontao, legal videographer  
02:48 10 contracted through Dean Jones Legal Videos, Inc. of  
02:48 11 Los Angeles and Santa Ana, California. This deposition  
02:48 12 is commencing at 2:48 p.m.  
02:48 13 Would all present please identify themselves,  
02:48 14 beginning with the deponent. Go ahead, Ms. Botten.  
02:48 15 THE WITNESS: Hi. My name is Annabelle Marie  
02:48 16 Botten. I don't know what else I'm supposed to say.  
02:48 17 MS. GUSTAFSON: That's it. You're doing great.  
02:48 18 Shannon Gustafson for the County defendants.  
02:48 19 MS. ESQUIVEL: Diana Esquivel for the State  
02:48 20 defendants, appearing from Sacramento.  
02:48 21 MS. LE: Hang Le on behalf of the deponent,  
02:48 22 Annabelle Botten, and the plaintiffs.  
02:49 23 THE VIDEOGRAPHER: And would the court reporter  
24 please administer the oath.  
25 ///

02:53 1 A. Yes.

02:53 2 Q. What videos have you reviewed?

02:53 3 A. I reviewed the videos that my neighbors had  
02:53 4 taken.

02:53 5 Q. And which neighbors took the video that you  
02:53 6 reviewed?

02:53 7 A. I don't know exactly which neighbor took which  
02:53 8 video. I just know it was one of the videos.

02:53 9 Q. How many different videos have you seen that  
02:53 10 were taken by neighbors?

02:53 11 A. Two.

02:53 12 Q. And how was it that you came to watch these  
02:53 13 videos?

02:53 14 A. My dad had had them when he had received them  
02:53 15 from the neighbors.

02:53 16 Q. And were they of the same view or two different  
02:53 17 views?

02:53 18 A. Two different views.

02:53 19 Q. Can you describe for me what the two different  
02:54 20 views were?

02:54 21 A. Yes. They were on either side. So, like, the  
02:54 22 view from across the street and the view from -- towards  
02:54 23 our house.

02:54 24 Q. View towards your house, was that the video  
02:54 25 that your dad took?

02:57 1 Q. So from this house possibly?

02:57 2 A. Yes, possibly.

02:57 3 Q. Do you know who lived in this house?

02:57 4 A. No, not really. I knew the kids, because we  
02:57 5 would see them play outside, but other than that, I had  
02:57 6 never met those neighbors.

02:57 7 Q. When you saw the -- the video from this house,  
02:57 8 it was something your dad showed you?

02:57 9 A. Yes. It was one of the videos that he had.

02:57 10 Q. Then you referred to another video. Was that  
02:57 11 an angle from this house right here?

02:57 12 A. Yes.

02:57 13 Q. When was the last time you saw either of these  
02:57 14 videos?

02:57 15 A. It was really early on. I can't give an exact  
02:57 16 time. I know it was maybe a month, maybe more after the  
02:57 17 shooting, because I couldn't handle watching the videos.  
02:57 18 I thought they would help me and it just made everything  
02:57 19 worse.

02:57 20 Q. So fair to say your dad had two videos. You  
02:58 21 may have looked at them a few times closer to the  
02:58 22 incident, and then you just stopped watching them?

02:58 23 A. Yeah. It just wasn't helping me. I thought it  
02:58 24 was going to relieve, and it just -- it just didn't  
02:58 25 relieve anything. It just made my brain just more --



05:16 1 quality. Does this look like the one you might be  
05:16 2 referring to?

05:16 3 A. I can't see anything. Alls I can see is --

05:16 4 MS. GUSTAFSON: Diana, we don't have the video.  
05:16 5 We just have your screen with a list of videos.

05:16 6 MS. ESQUIVEL: Oh.

05:16 7 THE WITNESS: Yeah.

05:16 8 MS. ESQUIVEL: I probably shared the wrong  
05:16 9 screen. Hold on.

05:16 10 BY MS. ESQUIVEL:

05:16 11 Q. Okay. Let me try this again.

05:16 12 A. No.

05:16 13 Q. No? Okay. Let me try one more. Okay. Let's  
05:16 14 try to see if this one might be it.

05:17 15 A. No.

05:17 16 Q. No? And who showed you -- or do you know where  
05:17 17 you got the second video that you're thinking about that  
05:17 18 is in black and white?

05:17 19 A. I don't know exactly where I got the video. I  
05:17 20 don't know if I had gotten it from my parents, but I do  
05:17 21 know it was a video that was from the neighbors, and it's  
05:17 22 in black and white.

05:17 23 Q. Do you still have that video?

05:17 24 A. I believe so, I do.

05:17 25 Q. Okay. I'm going to ask you if you can please

05:17 1 provide that to your attorney --

05:17 2 A. Okay.

05:17 3 Q. -- and we'll just ask it from her. Okay?

05:17 4 A. Okay.

05:17 5 Q. Because like I said, I don't -- I have never  
05:17 6 seen a black-and-white one, so I don't know if that's one  
05:17 7 that we have.

05:17 8 A. Okay.

05:17 9 Q. Okay. And that's one that you say that you've  
05:17 10 watched and that you watched back in 2022 for six to  
05:18 11 eight hours total over a period of time, correct?

05:18 12 A. Yes. I had watched both the neighbor videos.  
05:18 13 The black-and-white video is very -- is probably the  
05:18 14 worse video out of both of them.

05:18 15 Q. Okay.

05:18 16 A. Because in that video you hear us screaming for  
05:18 17 help.

05:18 18 Q. Okay. And that's the one that you feel has  
05:18 19 contributed to your trauma and why you want to -- you've  
05:18 20 forgotten a lot of what had happened?

05:18 21 A. No. The shooting is the reason I forgot what  
05:18 22 was happening. The videos were to try to help me  
05:18 23 remember what was happening.

05:18 24 Q. Okay.

05:18 25 MS. GUSTAFSON: And, Diana, for the record, I

05:18 1 have -- I don't have any black-and-white video that I  
05:18 2 have ever seen from the angle that she's described  
05:18 3 either.

05:18 4 MS. ESQUIVEL: Right. So -- okay. I think  
05:18 5 that's all the questions I have. Thank you very much for  
05:18 6 your time.

05:18 7 THE WITNESS: Okay. Thank you.

05:18 8 MS. LE: I have no questions.

05:18 9 MS. ESQUIVEL: Okay. We can go off the record.

05:18 10 THE REPORTER: Okay. Before we go off, would  
05:19 11 anybody like to order a certified copy?

05:19 12 MS. ESQUIVEL: Yes. Electronic for me only.

05:19 13 THE REPORTER: Thank you.

05:19 14 MS. ESQUIVEL: Electronic only for me, yes.

05:19 15 MS. LE: And I'd like to request that the  
05:19 16 deponent review the transcript, please.

05:19 17 THE REPORTER: Okay. Off the record?

05:19 18 THE VIDEOGRAPHER: Videotaped deposition is  
05:19 19 going off the record at 5:19 p.m. This concludes today's  
05:19 20 video deposition of Annabelle Botten. Thank you.

21 (The deposition concluded at 5:19 p.m.)

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1 I, SANDRA NALLEY, Certified Shorthand Reporter for the  
2 State of California, do hereby certify:

3  
4 That the witness in the foregoing deposition was by me  
5 first duly sworn to testify to the truth, the whole truth  
6 and nothing but the truth in the foregoing cause; that  
7 the deposition was taken by me in machine shorthand and  
8 later transcribed into typewriting, under my direction,  
9 and that the foregoing contains a true record of the  
10 testimony of the witness.

11  
12 Dated: This 30th day of December, 2024, at Temecula,  
13 California.

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16  
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18 \_\_\_\_\_  
19 SANDRA NALLEY  
20 CSR NO. 13607  
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